

**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2867



John E. Roberts
PO Box 417
Chocorua, NH 03817

Re: Water Well Contractor License

ADMINISTRATIVE ORDER

No. WD 02-01

October 11, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to John E. Roberts, pursuant to RSA 482-B:16, I.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 6 Hazen Drive, Concord, NH.
2. John E. Roberts is an individual having a mailing address of P.O. Box 417, Chocorua, NH 03817.

C. STATEMENT OF FACTS AND LAW

1. RSA 482-B regulates water well contractors and pump installers and establishes the NH Water Well Board ("Board"). Pursuant to rulemaking authority conferred by RSA 482-B:4, the Board has adopted rules to implement this regulatory program (We 100 to 1000, "Water Well Rules"). Under RSA 482-B:8 and RSA 482-B:16, the Department of Environmental Services ("DES") has concurrent authority with the Board to enforce RSA 482-B and the Water Well Rules.
2. On May 23, 2002, DES staff observed John E. Roberts constructing a shallow dug well at the Woodland Toys Store located on Rte 25, South Tamworth, NH.

3. RSA 482-B:5 requires a person to obtain a water well contractor license and a pump installer license before engaging in the business of constructing a well or installing a pump.
4. John E. Roberts is not a licensed water well contractor in the State of New Hampshire.
5. John E. Roberts filed a water well contractor license application with the Board on June 5, 2002 and failed to take the written exam on June 13, 2002 and September 12, 2002 after receiving notice from the Board.

D. DETERMINATION OF VIOLATIONS

1. John E. Roberts violated RSA 482-B:5 by engaging in the business of well construction without first having obtained a water well contractor license.

E. ORDER

Based on the above findings and determination, DES hereby orders John E. Roberts as follows:

1. Immediately cease and desist from engaging, or offering to engage, in the business of well construction until such time as you have obtained a water well contractor license issued by the Board.
2. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

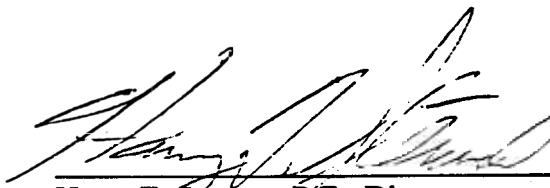
Richard P. Schofield, P.G., Water Well Program Manager / WSEB
DES - Water Division
PO Box 95
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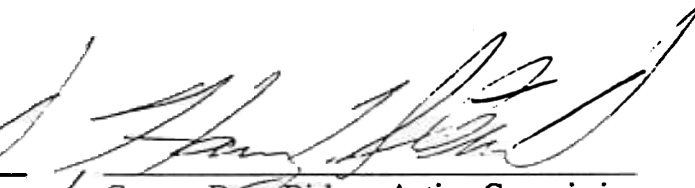
F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Well Board, by filing an appeal that meets the requirements specified in We 200 within 30 days of the date of this Order. Copies of the rules are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve you of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 482-B:16 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. You remain obligated to comply with all applicable requirements. DES will continue to monitor your compliance with applicable requirements and will take appropriate action if additional violations are discovered.


Harry T. Stewart, P.E., Director
Water Division


George Dana Bisbee, Acting Commissioner
Department of Environmental Services

Certified Mail/RRR #7000 0600 0023 9936 4650

cc: ✓ Gretchen C. Rule, DES Legal Unit
Anthony P. Giunta, P.G., Administrator, WSEB
DES PIP Office
Water Well Board
Anne Edwards, Esq. - AGO
Jennifer J. Patterson, Esq. - AGO
Harrison Mackey, Licensing Coordinator – DES